

**EIGHTY-FIFTH GENERAL ASSEMBLY
2013 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

MARCH 15, 2013

HOUSE FILE 520

H-1116

1 Amend House File 520 as follows:
2 1. Page 6, after line 16 by inserting:
3 <Sec. _____. Section 53.2, subsection 2, Code 2013,
4 is amended by adding the following new paragraph:
5 NEW PARAGRAPH. d. Absentee ballot applications
6 shall include the following questions in substantially
7 the following form:
8 RESIDENT OR PATIENT IN A HEALTH CARE FACILITY OR
9 HOSPITAL
10 1. Are you a resident or patient in a health care
11 facility or hospital?
12 Yes
13 No
14 2. If yes, how would you like your absentee
15 ballot delivered?
16 I request delivery and assistance from two special
17 precinct election officers.
18 I request delivery by mail.>>
19 2. Page 6, after line 35 by inserting:
20 <Sec. _____. Section 53.8, subsection 3, paragraph b,
21 Code 2013, is amended to read as follows:
22 b. (1) If the application is received more
23 than five days before the ballots are printed and
24 the commissioner has elected to have the ballots
25 personally delivered during the ten-day period after
26 the ballots are printed, the commissioner shall mail
27 to the applicant, if the applicant has not requested
28 that the absentee ballot be delivered by mail pursuant
29 to section 53.22, subsection 1, paragraph "a",
30 subparagraph (1A), within twenty-four hours a letter in
31 substantially the following form:
32 Your application for an absentee ballot for the
33 election to be held on has been received.
34 This ballot will be personally delivered to you by a
35 bipartisan team sometime during the ten days after the
36 ballots are printed. If you will not be at the address
37 from which your application was sent during any or
38 all of the ten-day period immediately following the
39 printing of the ballots, the ballot will be personally
40 delivered to you sometime during the fourteen days
41 preceding the election. If you will not be at the
42 address from which your application was sent during
43 either of these time periods, contact this office and
44 arrangements will be made to have your absentee ballot
45 delivered at a time when you will be present at that
46 address.
47 (2) If the application is received more than
48 fourteen calendar days before the election and the
49 commissioner has not elected to mail absentee ballots
50 to applicants as provided under section 53.22,

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Page 2

1 subsection 3, and has not elected to have the absentee
2 ballots personally delivered during the ten-day period
3 after the ballots are printed, the commissioner shall
4 mail to the applicant, if the applicant has not
5 requested that the absentee ballot be delivered by mail
6 pursuant to section 53.22, subsection 1, paragraph "a",
7 subparagraph (1A), within twenty-four hours a letter in
8 substantially the following form:

9 Your application for an absentee ballot for the
10 election to be held on has been received.
11 This ballot will be personally delivered to you by
12 a bipartisan team sometime during the fourteen days
13 preceding the election. If you will not be at the
14 address from which your application was sent during any
15 or all of the fourteen-day period immediately preceding
16 the election, contact this office and arrangements will
17 be made to have your absentee ballot delivered at a
18 time when you will be present at that address.>

19 3. Page 7, after line 9 by inserting:

20 <Sec. _____. Section 53.22, subsection 1, paragraph
21 a, Code 2013, is amended by adding the following new
22 subparagraph:

23 NEW SUBPARAGRAPH. (1A) Notwithstanding
24 subparagraph (1) and subsection 3, the commissioner
25 shall, if the applicant so requests, have the absentee
26 ballot delivered by mail and the commissioner shall
27 proceed under section 53.8, subsections 1 and 2.>

By MASCHER of Johnson

H-1116 FILED MARCH 14, 2013

HOUSE FILE 392

H-1093

1 Amend House File 392 as follows:

- 2 1. Page 2, by striking lines 8 through 18.
- 3 2. By renumbering as necessary.

By FRY of Clarke

H-1093 FILED MARCH 14, 2013

HOUSE FILE 392

H-1115

1 Amend House File 392 as follows:
2 1. Page 2, by striking line 7 and inserting:
3 <Sec. _____. Section 126.25, Code 2013, is amended by
4 striking the section and inserting in lieu thereof the
5 following:
6 126.25 Human immunodeficiency virus home testing
7 kits -- sales restrictions -- penalties.
8 1. A home testing kit for human immunodeficiency
9 virus antibody or antigen testing shall not be sold in
10 this state unless the sale complies with all of the
11 following requirements:
12 a. The home testing kit is sold by a licensed
13 pharmacy, and a pharmacist or pharmacy technician as
14 defined in section 155A.3 provides for the sale of the
15 home testing kit from a locked cabinet or from behind a
16 sales counter which is not accessible to the public.
17 b. A pharmacist or pharmacy technician consults
18 with the consumer prior to the sale and the
19 consultation includes informing the consumer of the
20 need to seek in-person follow-up with a health care
21 provider to obtain confirmation of and additional
22 information regarding any test results.
23 2. The Iowa department of public health, in
24 consultation with the board, shall adopt rules to
25 establish what constitutes a home testing kit for the
26 purposes of this section.
27 3. The board may seek injunctive relief pursuant to
28 section 126.4 restraining any person from violating the
29 provisions of this section. In addition, a pharmacy,
30 pharmacist, or pharmacy technician who violates this
31 section is subject to discipline pursuant to section
32 155A.12 or 155A.15, as applicable.>
33 2. Title page, line 2, after <health> by inserting
34 <and providing penalties>
35 3. By renumbering as necessary.

By LUNDBY of Linn

H-1115 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1086

1 Amend House Joint Resolution 2 as follows:
2 1. Page 3, line 1, after <relief> by inserting
3 <through personal income tax reduction, homeowner
4 property tax reduction, sales tax reduction, or
5 expansion of elder services>

By OLDSOON of Polk

H-1086 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1087

1 Amend [House Joint Resolution 2](#) as follows:
2 1. Page 3, line 7, after <assembly.> by inserting
3 <However, the requirement of approval by at least a
4 three-fifths vote does not apply to a bill providing
5 solely for property tax relief.>

By JACOBY of Johnson

H-1087 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1088

1 Amend [House Joint Resolution 2](#) as follows:
2 1. Page 4, by striking lines 14 through 17 and
3 inserting <state sales and use taxes shall require the
4 affirmative votes of at>

By JACOBY of Johnson

H-1088 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1089

1 Amend [House Joint Resolution 2](#) as follows:
2 1. Page 4, line 26, after <passage> by inserting
3 <unless the bill also repeals or amends an existing
4 tax or taxes resulting in a revenue neutral net fiscal
5 impact for the bill>

By JACOBY of Johnson

H-1089 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1090

1 Amend [House Joint Resolution 2](#) as follows:
2 1. Page 4, line 35, after <2.> by inserting
3 <Sections 1 and 2 are not applicable to a bill with
4 provisions enacting, amending, or repealing the state
5 income tax, a bill with provisions enacting, amending,
6 or repealing the state sales and use taxes, or a bill
7 with provisions establishing a new state tax if the
8 revenue from such a state tax provision is to be used
9 for purposes of addressing flood damage.>

By STECKMAN of Cerro Gordo

H-1090 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1091

1 Amend [House Joint Resolution 2](#) as follows:
2 1. Page 3, line 1, after <relief> by inserting
3 <through personal income tax reduction, homeowner
4 property tax reduction, sales tax reduction, or
5 expansion of access to high-quality schools>

By WINCKLER of Scott

H-1091 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1092

1 Amend House Joint Resolution 2 as follows:

2 1. Page 3, line 1, after <relief> by inserting
3 <through personal income tax reduction, homeowner
4 property tax reduction, sales tax reduction, or
5 improvement of the health of the citizens of Iowa>

By M. SMITH of Marshall

H-1092 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1094

1 Amend House Joint Resolution 2 as follows:

2 1. Page 3, line 1, after <relief> by inserting
3 <through personal income tax reduction, homeowner
4 property tax reduction, sales tax reduction, or public
5 safety enhancement, including expanded community-based
6 services>

By HALL of Woodbury
T. TAYLOR of Linn

H-1094 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1095

1 Amend the amendment, H-1074, to House Joint
2 Resolution 2 as follows:

3 1. Page 1, by striking lines 1 through 36 and
4 inserting:

5 <Amend House Joint Resolution 2 as follows:

6 _____. By striking everything after the resolving
7 clause and inserting:

8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:

10 The Constitution of the State of Iowa is amended by
11 adding the following new section to new Article XIII:

12 ARTICLE XIII.

13 TAXPAYERS TRUST FUND

14 Taxpayers trust fund.SECTION 1.

15 1. A taxpayers trust fund is created within the
16 treasury to provide tax relief. The maximum balance
17 of the trust fund shall be established by statute but
18 shall not be more than one percent of the state's
19 annual net general revenue.

20 2. Except for temporary cash flow purposes, moneys
21 in the taxpayers trust fund shall only be used in
22 accordance with appropriations or transfers made by
23 the general assembly for purposes of providing tax
24 relief and supporting economic growth through any of
25 the following means:

26 a. Personal income tax reduction.

27 b. Homeowner property tax reduction.

28 c. Sales tax reduction.

29 d. Expansion of health care coverage of Iowans
30 under the federal-state medical assistance program, as
31 authorized under section 1902(a)(10)(A)(i)(VIII) of the
32 federal Social Security Act.

33 3. The general assembly shall enact laws to
34 implement this section.

35 Sec. 2. The foregoing proposed amendment to the
36 Constitution of the State of Iowa is referred to the
37 general assembly to be chosen at the next general
38 election for members of the general assembly, and the
39 Secretary of State is directed to cause the amendment
40 to be published for three consecutive months previous
41 to the date of that election as provided by law.>

42 _____. Title page, by striking lines 1 through 5 and
43 inserting <A Joint Resolution proposing an amendment to
44 the Constitution of the State of Iowa relating to state
45 budgeting by creating a taxpayers trust fund.>>

By MURPHY of Dubuque

H-1095 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1096

1 Amend House Joint Resolution 2 as follows:

2 1. Page 3, line 1, after <relief> by inserting
3 <through personal income tax reduction, homeowner
4 property tax reduction, sales tax reduction, expansion
5 of the number of citizens of Iowa who qualify for the
6 earned income tax credit or its successor, or provision
7 of aid to small businesses>

By RUNNING-MARQUARDT of Linn

H-1096 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1097

1 Amend House Joint Resolution 2 as follows:

2 1. Page 3, line 1, by striking <tax relief.> and
3 inserting <funding to guarantee minimum judicial
4 branch services and access to judicial branch services
5 in each county. In the event that two-thirds of the
6 members elected to each house of the general assembly
7 vote to reject utilization of moneys in the trust fund
8 for this purpose, moneys shall be used in accordance
9 with appropriations or transfers made by the general
10 assembly for the purposes of providing tax relief.>

By ISENHART of Dubuque

H-1097 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1098

1 Amend the amendment, H-1074, to House Joint
2 Resolution 2 as follows:

3 1. Page 1, by striking lines 1 through 36 and
4 inserting:

5 <Amend House Joint Resolution 2 as follows:

6 _____. By striking everything after the resolving
7 clause and inserting:

8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:

10 The Constitution of the State of Iowa is amended by
11 adding the following new section to new Article XIII:

12 ARTICLE XIII.

13 TAXPAYERS TRUST FUND

14 Taxpayers trust fund. SECTION 1.

15 1. A taxpayers trust fund is created within the
16 treasury to provide tax relief. The maximum balance
17 of the trust fund shall be established by statute but
18 shall not be more than one percent of the state's
19 annual net general revenue.

20 2. Except for temporary cash flow purposes, moneys
21 in the taxpayers trust fund shall only be used in
22 accordance with appropriations or transfers made by
23 the general assembly for purposes of providing tax
24 relief for any of the following purposes:

25 a. Personal income tax reduction.

26 b. Homeowner property tax reduction.

27 c. Sales tax reduction.

28 d. Quality job creation.

29 3. The general assembly shall enact laws to
30 implement this section.

31 Sec. 2. The foregoing proposed amendment to the
32 Constitution of the State of Iowa is referred to the
33 general assembly to be chosen at the next general
34 election for members of the general assembly, and the
35 Secretary of State is directed to cause the amendment
36 to be published for three consecutive months previous
37 to the date of that election as provided by law.>

38 _____. Title page, by striking lines 1 through 5 and
39 inserting <A Joint Resolution proposing an amendment to
40 the Constitution of the State of Iowa relating to state
41 budgeting by creating a taxpayers trust fund.>>

By JACOBY of Johnson

H-1098 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1099

1 Amend the amendment, H-1074, to House Joint
2 Resolution 2 as follows:

3 1. Page 1, by striking lines 1 through 36 and
4 inserting:

5 <Amend House Joint Resolution 2 as follows:

6 _____. By striking everything after the resolving
7 clause and inserting:

8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:

10 The Constitution of the State of Iowa is amended by
11 adding the following new section to new Article XIII:

12 ARTICLE XIII.

13 TAXPAYERS TRUST FUND

14 Taxpayers trust fund.SECTION 1.

15 1. A taxpayers trust fund is created within the
16 treasury to provide tax relief. The maximum balance
17 of the trust fund shall be established by statute but
18 shall not be more than one percent of the state's
19 annual net general revenue.

20 2. Except for temporary cash flow purposes, moneys
21 in the taxpayers trust fund shall only be used in
22 accordance with appropriations or transfers made by the
23 general assembly for purposes of providing tax relief
24 for any of the following purposes:

25 a. Personal income tax reduction.

26 b. Homeowner property tax reduction.

27 c. Sales tax reduction.

28 d. Access to high-quality schools.

29 3. The general assembly shall enact laws to
30 implement this section.

31 Sec. 2. The foregoing proposed amendment to the
32 Constitution of the State of Iowa is referred to the
33 general assembly to be chosen at the next general
34 election for members of the general assembly, and the
35 Secretary of State is directed to cause the amendment
36 to be published for three consecutive months previous
37 to the date of that election as provided by law.>

38 _____. Title page, by striking lines 1 through 5 and
39 inserting <A Joint Resolution proposing an amendment to
40 the Constitution of the State of Iowa relating to state
41 budgeting by creating a taxpayers trust fund.>>

By STECKMAN of Cerro Gordo

H-1099 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1100

1 Amend the amendment, H-1074, to House Joint
2 Resolution 2 as follows:

3 1. Page 1, by striking lines 1 through 36 and
4 inserting:

5 <Amend House Joint Resolution 2 as follows:

6 _____. By striking everything after the resolving
7 clause and inserting:

8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:

10 The Constitution of the State of Iowa is amended by
11 adding the following new section to new Article XIII:

12 ARTICLE XIII.

13 TAXPAYERS TRUST FUND

14 Taxpayers trust fund.SECTION 1.

15 1. A taxpayers trust fund is created within the
16 treasury to provide tax relief. The maximum balance
17 of the trust fund shall be established by statute but
18 shall not be more than one percent of the state's
19 annual net general revenue.

20 2. Except for temporary cash flow purposes, moneys
21 in the taxpayers trust fund shall only be used in
22 accordance with appropriations or transfers made by the
23 general assembly for purposes of providing tax relief
24 for any of the following purposes:

25 a. Personal income tax reduction.

26 b. Homeowner property tax reduction.

27 c. Sales tax reduction.

28 d. Citizens of Iowa who qualify for the earned
29 income tax credit.

30 e. Aid to small businesses.

31 3. The general assembly shall enact laws to
32 implement this section.

33 Sec. 2. The foregoing proposed amendment to the
34 Constitution of the State of Iowa is referred to the
35 general assembly to be chosen at the next general
36 election for members of the general assembly, and the
37 Secretary of State is directed to cause the amendment
38 to be published for three consecutive months previous
39 to the date of that election as provided by law.>

40 _____. Title page, by striking lines 1 through 5 and
41 inserting <A Joint Resolution proposing an amendment to
42 the Constitution of the State of Iowa relating to state
43 budgeting by creating a taxpayers trust fund.>>

By RUNNING-MARQUARDT of Linn

H-1100 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1101

1 Amend the amendment, H-1074, to House Joint
2 Resolution 2 as follows:

3 1. Page 1, by striking lines 1 through 36 and
4 inserting:

5 <Amend House Joint Resolution 2 as follows:

6 _____. By striking everything after the resolving
7 clause and inserting:

8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:

10 The Constitution of the State of Iowa is amended by
11 adding the following new section to new Article XIII:

12 ARTICLE XIII.

13 TAXPAYERS TRUST FUND

14 Taxpayers trust fund.SECTION 1.

15 1. A taxpayers trust fund is created within the
16 treasury to provide tax relief. The maximum balance
17 of the trust fund shall be established by statute but
18 shall not be more than one percent of the state's
19 annual net general revenue.

20 2. Except for temporary cash flow purposes, moneys
21 in the taxpayers trust fund shall only be used in
22 accordance with appropriations or transfers made by the
23 general assembly for purposes of providing tax relief
24 for any of the following purposes:

25 a. Personal income tax reduction.

26 b. Homeowner property tax reduction.

27 c. Sales tax reduction.

28 d. Expanding eligibility and the amounts of
29 property tax credits and rent reimbursements for
30 persons with low income who are elderly or disabled.

31 3. The general assembly shall enact laws to
32 implement this section.

33 Sec. 2. The foregoing proposed amendment to the
34 Constitution of the State of Iowa is referred to the
35 general assembly to be chosen at the next general
36 election for members of the general assembly, and the
37 Secretary of State is directed to cause the amendment
38 to be published for three consecutive months previous
39 to the date of that election as provided by law.>

40 _____. Title page, by striking lines 1 through 5 and
41 inserting <A Joint Resolution proposing an amendment to
42 the Constitution of the State of Iowa relating to state
43 budgeting by creating a taxpayers trust fund.>>

By LENSING of Johnson

H-1101 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1102

1 Amend the amendment, H-1074, to House Joint
2 Resolution 2 as follows:

3 1. Page 1, by striking lines 1 through 36 and
4 inserting:

5 <Amend House Joint Resolution 2 as follows:

6 _____. By striking everything after the resolving
7 clause and inserting:

8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:

10 The Constitution of the State of Iowa is amended by
11 adding the following new section to new Article XIII:

12 ARTICLE XIII.

13 TAXPAYERS TRUST FUND

14 Taxpayers trust fund.SECTION 1.

15 1. A taxpayers trust fund is created within the
16 treasury to provide tax relief. The maximum balance
17 of the trust fund shall be established by statute but
18 shall not be more than one percent of the state's
19 annual net general revenue.

20 2. Except for temporary cash flow purposes, moneys
21 in the taxpayers trust fund shall only be used in
22 accordance with appropriations or transfers made by the
23 general assembly for purposes of providing tax relief
24 for any of the following purposes:

25 a. Personal income tax reduction.

26 b. Homeowner property tax reduction.

27 c. Sales tax reduction.

28 d. Veterans services.

29 3. The general assembly shall enact laws to
30 implement this section.

31 Sec. 2. The foregoing proposed amendment to the
32 Constitution of the State of Iowa is referred to the
33 general assembly to be chosen at the next general
34 election for members of the general assembly, and the
35 Secretary of State is directed to cause the amendment
36 to be published for three consecutive months previous
37 to the date of that election as provided by law.>

38 _____. Title page, by striking lines 1 through 5 and
39 inserting <A Joint Resolution proposing an amendment to
40 the Constitution of the State of Iowa relating to state
41 budgeting by creating a taxpayers trust fund.>>

By M. SMITH of Marshall

H-1102 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1103

1 Amend the amendment, H-1074, to House Joint
2 Resolution 2 as follows:
3 1. Page 1, by striking lines 1 through 36 and
4 inserting:
5 <Amend House Joint Resolution 2 as follows:
6 _____. By striking everything after the resolving
7 clause and inserting:
8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:
10 The Constitution of the State of Iowa is amended by
11 adding the following new section to new Article XIII:
12 ARTICLE XIII.
13 TAXPAYERS TRUST FUND
14 Taxpayers trust fund.SECTION 1.
15 1. A taxpayers trust fund is created within the
16 treasury to provide tax relief. The maximum balance
17 of the trust fund shall be established by statute but
18 shall not be more than one percent of the state's
19 annual net general revenue.
20 2. Except for temporary cash flow purposes, moneys
21 in the taxpayers trust fund shall only be used in
22 accordance with appropriations or transfers made by the
23 general assembly to provide tax relief for any of the
24 following purposes:
25 a. Personal income tax reduction.
26 b. Homeowner property tax reduction.
27 c. Sales tax reduction.
28 d. Equalization and reduction of rates, through
29 distribution of state funding, for the additional
30 property tax levied by school districts that is above
31 and beyond the funds received by school districts
32 through the uniform foundation property tax levy and
33 state foundation aid.
34 3. The general assembly shall enact laws to
35 implement this section.
36 Sec. 2. The foregoing proposed amendment to the
37 Constitution of the State of Iowa is referred to the
38 general assembly to be chosen at the next general
39 election for members of the general assembly, and the
40 Secretary of State is directed to cause the amendment
41 to be published for three consecutive months previous
42 to the date of that election as provided by law.>
43 _____. Title page, by striking lines 1 through 5 and
44 inserting <A Joint Resolution proposing an amendment to
45 the Constitution of the State of Iowa relating to state
46 budgeting by creating a taxpayers trust fund.>>

By **HALL** of Woodbury

H-1103 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1104

1 Amend the amendment, H-1074, to House Joint
2 Resolution 2 as follows:

3 1. Page 1, by striking lines 1 through 36 and
4 inserting:

5 <Amend House Joint Resolution 2 as follows:

6 _____. By striking everything after the resolving
7 clause and inserting:

8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:

10 The Constitution of the State of Iowa is amended by
11 adding the following new section to new Article XIII:

12 ARTICLE XIII.

13 TAXPAYERS TRUST FUND

14 Taxpayers trust fund.SECTION 1.

15 1. A taxpayers trust fund is created within the
16 treasury to provide tax relief. The maximum balance
17 of the trust fund shall be established by statute but
18 shall not be more than one percent of the state's
19 annual net general revenue.

20 2. Except for temporary cash flow purposes, moneys
21 in the taxpayers trust fund shall only be used in
22 accordance with appropriations or transfers made by the
23 general assembly for purposes of providing tax relief
24 through any of the following means:

25 a. Personal income tax reduction.

26 b. Homeowner property tax reduction.

27 c. Sales tax reduction.

28 d. Provision of incentives to encourage businesses
29 to create additional high-quality jobs.

30 3. The general assembly shall enact laws to
31 implement this section.

32 Sec. 2. The foregoing proposed amendment to the
33 Constitution of the State of Iowa is referred to the
34 general assembly to be chosen at the next general
35 election for members of the general assembly, and the
36 Secretary of State is directed to cause the amendment
37 to be published for three consecutive months previous
38 to the date of that election as provided by law.>

39 _____. Title page, by striking lines 1 through 5 and
40 inserting <A Joint Resolution proposing an amendment to
41 the Constitution of the State of Iowa relating to state
42 budgeting by creating a taxpayers trust fund.>>

By MURPHY of Dubuque

H-1104 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1105

1 Amend the amendment, H-1074, to House Joint
2 Resolution 2 as follows:

3 1. Page 1, by striking lines 1 through 36 and
4 inserting:

5 <Amend House Joint Resolution 2 as follows:

6 _____. By striking everything after the resolving
7 clause and inserting:

8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:

10 The Constitution of the State of Iowa is amended by
11 adding the following new section to new Article XIII:

12 ARTICLE XIII.

13 TAXPAYERS TRUST FUND

14 Taxpayers trust fund.SECTION 1.

15 1. A taxpayers trust fund is created within the
16 treasury to provide tax relief. The maximum balance
17 of the trust fund shall be established by statute but
18 shall not be more than one percent of the state's
19 annual net general revenue.

20 2. Except for temporary cash flow purposes, moneys
21 in the taxpayers trust fund shall only be used in
22 accordance with appropriations or transfers made by the
23 general assembly for purposes of providing tax relief
24 for any of the following purposes:

25 a. Personal income tax reduction.

26 b. Homeowner property tax reduction.

27 c. Sales tax reduction.

28 d. Providing funding for the natural resources and
29 outdoor recreation trust fund.

30 3. The general assembly shall enact laws to
31 implement this section.

32 Sec. 2. The foregoing proposed amendment to the
33 Constitution of the State of Iowa is referred to the
34 general assembly to be chosen at the next general
35 election for members of the general assembly, and the
36 Secretary of State is directed to cause the amendment
37 to be published for three consecutive months previous
38 to the date of that election as provided by law.>

39 _____. Title page, by striking lines 1 through 5 and
40 inserting <A Joint Resolution proposing an amendment to
41 the Constitution of the State of Iowa relating to state
42 budgeting by creating a taxpayers trust fund.>>

By ISENHART of Dubuque

H-1105 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1106

1 Amend the amendment, H-1074, to House Joint
2 Resolution 2 as follows:

3 1. Page 1, by striking lines 1 through 36 and
4 inserting:

5 <Amend House Joint Resolution 2 as follows:

6 _____. By striking everything after the resolving
7 clause and inserting:

8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:

10 The Constitution of the State of Iowa is amended by
11 adding the following new section to new Article XIII:

12 ARTICLE XIII.

13 TAXPAYERS TRUST FUND

14 Taxpayers trust fund.SECTION 1.

15 1. A taxpayers trust fund is created within the
16 treasury to provide tax relief. The maximum balance
17 of the trust fund shall be established by statute but
18 shall not be more than one percent of the state's
19 annual net general revenue.

20 2. Except for temporary cash flow purposes, moneys
21 in the taxpayers trust fund shall only be used in
22 accordance with appropriations or transfers made by the
23 general assembly for purposes of providing tax relief
24 for any of the following purposes:

25 a. Personal income tax reduction.

26 b. Homeowner property tax reduction.

27 c. Sales tax reduction.

28 d. Commercial and industrial property tax
29 reduction.

30 3. The general assembly shall enact laws to
31 implement this section.

32 Sec. 2. The foregoing proposed amendment to the
33 Constitution of the State of Iowa is referred to the
34 general assembly to be chosen at the next general
35 election for members of the general assembly, and the
36 Secretary of State is directed to cause the amendment
37 to be published for three consecutive months previous
38 to the date of that election as provided by law.>

39 _____. Title page, by striking lines 1 through 5 and
40 inserting <A Joint Resolution proposing an amendment to
41 the Constitution of the State of Iowa relating to state
42 budgeting by creating a taxpayers trust fund.>>

By MURPHY of Dubuque

H-1106 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1107

1 Amend the amendment, H-1074, to House Joint
2 Resolution 2 as follows:

3 1. Page 1, by striking lines 1 through 36 and
4 inserting:

5 <Amend House Joint Resolution 2 as follows:

6 _____. By striking everything after the resolving
7 clause and inserting:

8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:

10 The Constitution of the State of Iowa is amended by
11 adding the following new section to new Article XIII:

12 ARTICLE XIII.

13 TAXPAYERS TRUST FUND

14 Taxpayers trust fund.SECTION 1.

15 1. A taxpayers trust fund is created within the
16 treasury to provide tax relief. The maximum balance
17 of the trust fund shall be established by statute but
18 shall not be more than one percent of the state's
19 annual net general revenue.

20 2. Except for temporary cash flow purposes, moneys
21 in the taxpayers trust fund shall only be used in
22 accordance with appropriations or transfers made by the
23 general assembly for purposes of providing tax relief
24 for any of the following purposes:

25 a. Personal income tax reduction.

26 b. Homeowner property tax reduction.

27 c. Sales tax reduction.

28 d. Improving the health of the citizens of Iowa.

29 3. The general assembly shall enact laws to
30 implement this section.

31 Sec. 2. The foregoing proposed amendment to the
32 Constitution of the State of Iowa is referred to the
33 general assembly to be chosen at the next general
34 election for members of the general assembly, and the
35 Secretary of State is directed to cause the amendment
36 to be published for three consecutive months previous
37 to the date of that election as provided by law.>

38 _____. Title page, by striking lines 1 through 5 and
39 inserting <A Joint Resolution proposing an amendment to
40 the Constitution of the State of Iowa relating to state
41 budgeting by creating a taxpayers trust fund.>>

By M. SMITH of Marshall

H-1107 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1108

1 Amend the amendment, H-1074, to House Joint
2 Resolution 2 as follows:

3 1. Page 1, by striking lines 1 through 36 and
4 inserting:

5 <Amend House Joint Resolution 2 as follows:

6 _____. By striking everything after the resolving
7 clause and inserting:

8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:

10 The Constitution of the State of Iowa is amended by
11 adding the following new section to new Article XIII:

12 ARTICLE XIII.

13 TAXPAYERS TRUST FUND

14 Taxpayers trust fund.SECTION 1.

15 1. A taxpayers trust fund is created within the
16 treasury to provide tax relief. The maximum balance
17 of the trust fund shall be established by statute but
18 shall not be more than one percent of the state's
19 annual net general revenue.

20 2. Except for temporary cash flow purposes, moneys
21 in the taxpayers trust fund shall only be used in
22 accordance with appropriations or transfers made by
23 the general assembly for purposes of providing tax
24 relief and protection of public safety for any of the
25 following purposes:

26 a. Personal income tax reduction.

27 b. Homeowner property tax reduction.

28 c. Sales tax reduction.

29 d. Expansion of prison space used to confine sex
30 offenders.

31 3. The general assembly shall enact laws to
32 implement this section.

33 Sec. 2. The foregoing proposed amendment to the
34 Constitution of the State of Iowa is referred to the
35 general assembly to be chosen at the next general
36 election for members of the general assembly, and the
37 Secretary of State is directed to cause the amendment
38 to be published for three consecutive months previous
39 to the date of that election as provided by law.>

40 _____. Title page, by striking lines 1 through 5 and
41 inserting <A Joint Resolution proposing an amendment to
42 the Constitution of the State of Iowa relating to state
43 budgeting by creating a taxpayers trust fund.>>

By MURPHY of Dubuque

H-1108 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1109

1 Amend the amendment, H-1074, to House Joint
2 Resolution 2 as follows:

3 1. Page 1, by striking lines 1 through 36 and
4 inserting:

5 <Amend House Joint Resolution 2 as follows:

6 _____. By striking everything after the resolving
7 clause and inserting:

8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:

10 The Constitution of the State of Iowa is amended by
11 adding the following new section to new Article XIII:

12 ARTICLE XIII.

13 TAXPAYERS TRUST FUND

14 Taxpayers trust fund.SECTION 1.

15 1. A taxpayers trust fund is created within the
16 treasury to provide tax relief. The maximum balance
17 of the trust fund shall be established by statute but
18 shall not be more than one percent of the state's
19 annual net general revenue.

20 2. Except for temporary cash flow purposes, moneys
21 in the taxpayers trust fund shall only be used in
22 accordance with appropriations or transfers made by the
23 general assembly for purposes of providing tax relief
24 for any of the following purposes:

25 a. Personal income tax reduction.

26 b. Homeowner property tax reduction.

27 c. Sales tax reduction.

28 d. Addressing natural disasters.

29 3. The general assembly shall enact laws to
30 implement this section.

31 Sec. 2. The foregoing proposed amendment to the
32 Constitution of the State of Iowa is referred to the
33 general assembly to be chosen at the next general
34 election for members of the general assembly, and the
35 Secretary of State is directed to cause the amendment
36 to be published for three consecutive months previous
37 to the date of that election as provided by law.>

38 _____. Title page, by striking lines 1 through 5 and
39 inserting <A Joint Resolution proposing an amendment to
40 the Constitution of the State of Iowa relating to state
41 budgeting by creating a taxpayers trust fund.>>

By T. OLSON of Linn

H-1109 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1110

1 Amend the amendment, H-1074, to House Joint
2 Resolution 2 as follows:
3 1. Page 1, by striking lines 1 through 36 and
4 inserting:
5 <Amend House Joint Resolution 2 as follows:
6 _____. By striking everything after the resolving
7 clause and inserting:
8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:
10 The Constitution of the State of Iowa is amended by
11 adding the following new section to new Article XIII:
12 ARTICLE XIII.
13 TAXPAYERS TRUST FUND
14 Taxpayers trust fund.SECTION 1.
15 1. A taxpayers trust fund is created within the
16 treasury to provide tax relief. The maximum balance
17 of the trust fund shall be established by statute but
18 shall not be more than one percent of the state's
19 annual net general revenue.
20 2. Except for temporary cash flow purposes, moneys
21 in the taxpayers trust fund shall only be used in
22 accordance with appropriations or transfers made by the
23 general assembly for purposes of providing tax relief
24 for any of the following purposes:
25 a. Personal income tax reduction.
26 b. Homeowner property tax reduction.
27 c. Sales tax reduction.
28 d. Elder services.
29 3. The general assembly shall enact laws to
30 implement this section.
31 Sec. 2. The foregoing proposed amendment to the
32 Constitution of the State of Iowa is referred to the
33 general assembly to be chosen at the next general
34 election for members of the general assembly, and the
35 Secretary of State is directed to cause the amendment
36 to be published for three consecutive months previous
37 to the date of that election as provided by law.>
38 _____. Title page, by striking lines 1 through 5 and
39 inserting <A Joint Resolution proposing an amendment to
40 the Constitution of the State of Iowa relating to state
41 budgeting by creating a taxpayers trust fund.>>

By OLDSON of Polk

H-1110 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1111

1 Amend the amendment, H-1074, to House Joint
2 Resolution 2 as follows:

3 1. Page 1, by striking lines 1 through 36 and
4 inserting:

5 <Amend House Joint Resolution 2 as follows:

6 _____. By striking everything after the resolving
7 clause and inserting:

8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:

10 The Constitution of the State of Iowa is amended by
11 adding the following new section to new Article XIII:

12 ARTICLE XIII.

13 TAXPAYERS TRUST FUND

14 Taxpayers trust fund. SECTION 1.

15 1. A taxpayers trust fund is created within the
16 treasury to provide tax relief. The maximum balance
17 of the trust fund shall be established by statute but
18 shall not be more than one percent of the state's
19 annual net general revenue.

20 2. Except for temporary cash flow purposes, moneys
21 in the taxpayers trust fund shall only be used in
22 accordance with appropriations or transfers made by the
23 general assembly for purposes of providing tax relief
24 for any of the following purposes:

25 a. Personal income tax reduction.

26 b. Homeowner property tax reduction.

27 c. Sales tax reduction.

28 d. Addressing flood damage.

29 3. The general assembly shall enact laws to
30 implement this section.

31 Sec. 2. The foregoing proposed amendment to the
32 Constitution of the State of Iowa is referred to the
33 general assembly to be chosen at the next general
34 election for members of the general assembly, and the
35 Secretary of State is directed to cause the amendment
36 to be published for three consecutive months previous
37 to the date of that election as provided by law.>

38 _____. Title page, by striking lines 1 through 5 and
39 inserting <A Joint Resolution proposing an amendment to
40 the Constitution of the State of Iowa relating to state
41 budgeting by creating a taxpayers trust fund.>>

By STECKMAN of Cerro Gordo
RUNNING-MARQUARDT of Linn

H-1111 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1112

1 Amend the amendment, H-1074, to House Joint
2 Resolution 2 as follows:

3 1. Page 1, by striking lines 1 through 36 and
4 inserting:

5 <Amend House Joint Resolution 2 as follows:

6 _____. By striking everything after the resolving
7 clause and inserting:

8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:

10 The Constitution of the State of Iowa is amended by
11 adding the following new section to new Article XIII:

12 ARTICLE XIII.

13 TAXPAYERS TRUST FUND

14 Taxpayers trust fund.SECTION 1.

15 1. A taxpayers trust fund is created within the
16 treasury to provide tax relief. The maximum balance
17 of the trust fund shall be established by statute but
18 shall not be more than one percent of the state's
19 annual net general revenue.

20 2. Except for temporary cash flow purposes, moneys
21 in the taxpayers trust fund shall only be used in
22 accordance with appropriations or transfers made by the
23 general assembly for purposes of providing tax relief
24 for any of the following purposes:

25 a. Personal income tax reduction.

26 b. Homeowner property tax reduction.

27 c. Sales tax reduction.

28 d. Student tuition to build a skilled workforce.

29 3. The general assembly shall enact laws to
30 implement this section.

31 Sec. 2. The foregoing proposed amendment to the
32 Constitution of the State of Iowa is referred to the
33 general assembly to be chosen at the next general
34 election for members of the general assembly, and the
35 Secretary of State is directed to cause the amendment
36 to be published for three consecutive months previous
37 to the date of that election as provided by law.>

38 _____. Title page, by striking lines 1 through 5 and
39 inserting <A Joint Resolution proposing an amendment to
40 the Constitution of the State of Iowa relating to state
41 budgeting by creating a taxpayers trust fund.>>

By RUNNING-MARQUARDT of Linn
STECKMAN of Cerro Gordo

H-1112 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1113

1 Amend the amendment, H-1074, to House Joint
2 Resolution 2 as follows:
3 1. Page 1, by striking lines 1 through 36 and
4 inserting:
5 <Amend House Joint Resolution 2 as follows:
6 _____. By striking everything after the resolving
7 clause and inserting:
8 <Section 1. The following amendment to the
9 Constitution of the State of Iowa is proposed:
10 The Constitution of the State of Iowa is amended by
11 adding the following new section to new Article XIII:
12 ARTICLE XIII.
13 TAXPAYERS TRUST FUND
14 Taxpayers trust fund.SECTION 1.
15 1. A taxpayers trust fund is created within the
16 treasury to provide tax relief. The maximum balance
17 of the trust fund shall be established by statute but
18 shall not be more than one percent of the state's
19 annual net general revenue.
20 2. Except for temporary cash flow purposes, moneys
21 in the taxpayers trust fund shall only be used in
22 accordance with appropriations or transfers made by the
23 general assembly for purposes of providing tax relief
24 for any of the following purposes:
25 a. Personal income tax reduction.
26 b. Homeowner property tax reduction.
27 c. Sales tax reduction.
28 d. Guaranteed minimum judicial branch services and
29 access to judicial branch services in each county.
30 3. The general assembly shall enact laws to
31 implement this section.
32 Sec. 2. The foregoing proposed amendment to the
33 Constitution of the State of Iowa is referred to the
34 general assembly to be chosen at the next general
35 election for members of the general assembly, and the
36 Secretary of State is directed to cause the amendment
37 to be published for three consecutive months previous
38 to the date of that election as provided by law.>
39 _____. Title page, by striking lines 1 through 5 and
40 inserting <A Joint Resolution proposing an amendment to
41 the Constitution of the State of Iowa relating to state
42 budgeting by creating a taxpayers trust fund.>>

By ISENHART of Dubuque

H-1113 FILED MARCH 14, 2013

HOUSE JOINT RESOLUTION 2

H-1114

1 Amend House Joint Resolution 2 as follows:

2 1. Page 3, line 1, by striking <tax relief.> and
3 inserting <flood disaster prevention, mitigation, and
4 relief. In the event that two-thirds of the members
5 elected to each house of the general assembly vote
6 to reject utilization of moneys in the trust fund
7 for this purpose, moneys shall be used in accordance
8 with appropriations or transfers made by the general
9 assembly for the purposes of providing tax relief.>

By ISENHART of Dubuque

H-1114 FILED MARCH 14, 2013

Fiscal Note

Fiscal Services Division



HF 528 – Interference With Official Acts (LSB 2049HV)

Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.iowa.gov)

Fiscal Note Version – New

Requested by Representative Mary Wolfe

Description

House File 528 changes the focus of the crime of interference with official acts from injuries inflicted by the defendant to injuries sustained by the official.

Background

Correctional and Fiscal Information

- Current law provides for a graduated system of penalties for interference with official acts, ranging from a simple misdemeanor to a Class “C” felony depending on the circumstances of the crime.
- According to the Justice Data Warehouse, in FY 2012 there was one charge for Class “D” felony interference with official acts involving injury that resulted in a conviction not-as-charged (usually for a lesser offense). During FY 2012, there was one charge for a Class “C” felony and 59 charges for aggravated misdemeanor interference with official acts involving injury that resulted in convictions not-as-charged.
- Offenders convicted of a simple misdemeanor offense are not supervised in Iowa’s corrections system. They are usually sentenced to a financial penalty or community service, or some combination thereof.
- The impact on the Judicial Branch’s operating budget is the case cost difference of a simple misdemeanor (\$28) and an aggravated misdemeanor (\$209) or a Class “D” felony (\$427).
- The impact on the indigent defense budget is the case cost difference between a simple misdemeanor (\$300) and an aggravated misdemeanor or Class “D” felony (\$1,200).
- According to the Justice Data Warehouse, the Criminal and Juvenile Justice Planning Division (CJJPD), and the Department of Corrections, the following are estimates for sentencing, length of stay by offense class, and costs for interference with official acts:

Criminal Justice System Information

Conviction Offense Class	Percent Sentenced to State Prison	Avg Length of Stay in Prison	Marginal Cost Per Day	Percent Sentenced to Probation	Avg Length of Stay on Probation	Avg Length of Stay on Parole	Average Cost per Day for Prob/Parole	Percent Sentenced to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day*
Aggravated Misdemeanor	9.9%	9.0 months	\$17.60	45.6%	20.4 months	5.5 months	\$3.66	48.9%	28 days	\$15.00
Class “D” Felony	20.0%	21.2 months	\$17.60	80.0%	33.9 months	12.5 months	\$3.66	0.0%	0	\$15.00

*Marginal costs for county jails cannot be determined due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15.00 per day.

For aggravated misdemeanor convictions, the percent sentenced exceeds 100.0% (104.4%) because certain offenders receive a jail sentence and a probation sentence.

Minority Data Information

The table below shows the FY 2012 offender-based convictions for interference with official acts, according to the Iowa Court Information System (ICIS). Minority offenders are disproportionately convicted compared to their percentage of the Iowa population.

FY 2012 Convictions for Interference With Official Acts

Conviction Offense Class	Percent White	Percent Black	Percent Hispanic	Percent Native American	Percent Asian	Percent Other or Unknown
Simple Misd.	65.0%	27.2%	5.3%	0.9%	0.8%	0.8%
Serious Misd.	58.3%	41.7%	0.0%	0.0%	0.0%	0.0%
Aggravated Misd.	59.9%	33.6%	5.3%	0.7%	0.0%	0.5%
Class "D" Felony	52.6%	26.3%	0.0%	15.8%	5.3%	0.0%
Total Convictions	64.6%	27.6%	5.2%	0.9%	0.9%	0.8%

Refer to the Legislative Services Agency (LSA) [Minority Impact Memo](#), dated February 11, 2013, for information related to minorities in the criminal justice system.

Assumptions

Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
- The law will become effective July 1, 2013. A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Under this Bill, more charges will result in convicted-as-charged. Approximately half of the convictions currently being convicted not-as-charged will be convicted-as-charged under the Bill.
- These will be bench trials. Half of the offenders convicted are indigent.
- There will be increases in county jail sentences for aggravated misdemeanor convictions.

Minority Data Information: The impact on minorities will remain consistent with current data.

Summary of Impacts

Correctional Impact

There will be an estimated 30 offenders annually convicted of an aggravated misdemeanor and one offender annually convicted of a Class "D" felony under this Bill that are convicted of a simple misdemeanor under current law. Admissions to the correctional system are indicated in the following table:

Estimated Admissions to the Correctional System

	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>
County Jail	7	15	15	15	15
State Prison	1	3	3	3	3
Probation/Parole	7	15	18	18	18
Total	<u>15</u>	<u>33</u>	<u>36</u>	<u>36</u>	<u>36</u>

On an annual basis, admissions exceed the number convicted because certain offenders will receive a jail sentence followed by a probation sentence. The prison population increase will level off in FY 2015, with an increase of three offenders annually thereafter. The probation and parole population is expected to trend upward over the five-year projection period because the length of stay under supervision exceeds one year for both aggravated misdemeanants and Class "D" felons.

Minority Impact

It is expected this Bill will have a disproportionate impact on minorities because approximately 34.6% of offenders convicted under the Bill's provisions may be minorities. Under current law, these simple misdemeanor offenders are not supervised in the corrections system. This Bill shifts simple misdemeanor convictions to aggravated misdemeanor and Class "D" felony convictions. There will be an increase in the number of minority offenders supervised in the correctional system.

Fiscal Impact

The fiscal impact is estimated to be an increased cost to the State General Fund of \$17,000 in FY 2014 and \$69,200 in FY 2015. The table below shows the impact by areas within the criminal justice system. Costs will continue to increase in future fiscal years because the length of stay in the corrections system exceeds one year.

Estimated Fiscal Impact by Funding Source

	<u>FY 2014</u>			<u>FY 2015</u>		
	<u>County Budgets</u>	<u>General Fund</u>	<u>Total</u>	<u>County Budgets</u>	<u>General Fund</u>	<u>Total</u>
County Jail	\$ 3,000	\$ 0	\$ 3,000	\$ 6,300	\$ 0	\$ 6,300
State Prison	0	3,200	3,200	0	19,300	19,300
CBC	0	4,600	4,600	0	29,400	29,400
Judicial Branch	0	2,900	2,900	0	5,800	5,800
Indigent Defense	0	6,300	6,300	0	14,700	14,700
Total	<u>\$ 3,000</u>	<u>\$ 17,000</u>	<u>\$ 20,000</u>	<u>\$ 6,300</u>	<u>\$ 69,200</u>	<u>\$ 75,500</u>

The fiscal impact to the Judicial Branch and indigent defense reflects the increased cost for aggravated misdemeanor and Class "D" felony cases, minus the costs for simple misdemeanor cases.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Office of the State Public Defender
State Court Administrator's Office

/s/ Holly M. Lyons

March 14, 2013

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



LEGISLATIVE
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Fiscal Note

Fiscal Services Division



HF 510 – E911 Surcharge Equalization (LSB 1422HV)

Analyst: Jennifer Acton (Phone: (515) 281-7846) (jennifer.acton@legis.iowa.gov)

Fiscal Note Version – New

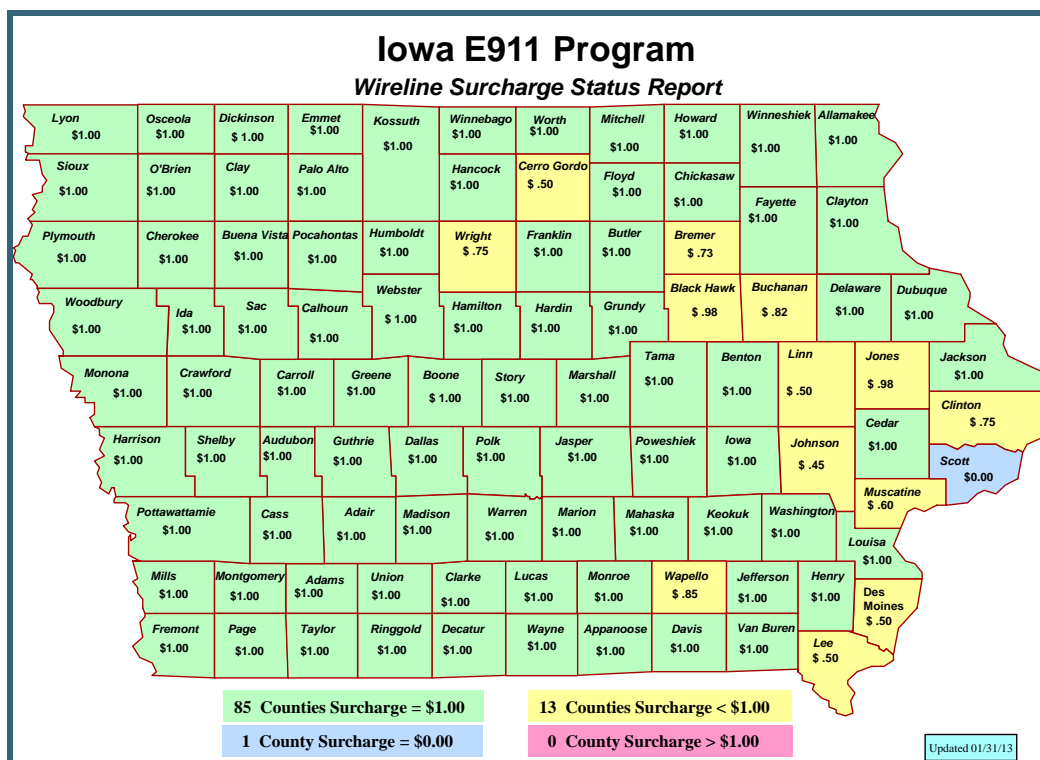
Description

House File 510 eliminates the existing voter referendum requirement regarding the imposition of the local wireline E911 service surcharge and the alternative surcharge applicable to wireline communications. The Bill imposes a \$1.00 surcharge for both the wireline and wireless E911 programs and reinstates the wireless carrier cost recovery for Phase 1 services. The Bill also requires the E911 Program Manager, in consultation with the E911 Communications Council, to establish methodology for the collection of data on all costs and expenses related to the operation of a PSAP (public safety answering point). The data collection will begin no later than January 1, 2014, with a report submitted to the General Assembly by March 1, 2016. Failure to submit expenses and costs by the county joint E911 service board will result in a \$0.35 penalty out of the \$1.00 surcharge.

Background

Wireline

House File 510 eliminates the voter referendum and the alternative surcharge on wireline services and increases the wireline surcharge paid per access line to \$1.00. As of January 31, 2013, 85 counties had a \$1.00 wireline surcharge. Thirteen counties had surcharges less than \$1.00, and one county charged nothing for the wireline surcharge (paid through county taxes). The following map shows the current surcharge in each county.



Money from the wireline surcharge is used for recurring and nonrecurring costs to the system. Nonrecurring costs include but are not limited to network equipment for the Public Safety Answering Points (PSAPs), software, database, addressing, training, and other capital expenditures, including the purchase or lease of subscriber names, addresses, and telephone information from the local exchange provider. Recurring costs include, but are not limited to, network access fees and other telephone charges, software, equipment, and database management, and maintenance, including the purchase or lease of subscriber names, addresses, and telephone information from the local exchange service provider. Recurring costs cannot be used for personnel. Personnel costs are paid from county or city funds, depending on the PSAP. There are currently 117 PSAPs.

Wireless

[House File 510](#) also increases the current \$0.65 wireless surcharge to \$1.00. Beginning January 1, 1999, the State implemented a \$0.50 wireless E911 surcharge. The surcharge rate was increased to \$0.65 effective July 1, 2004. The surcharge is collected by the wireless service providers and remitted to the State E911 Program, under the Homeland Security and Emergency Management Division, on a quarterly basis.

The current \$0.65 wireless surcharge per quarter distribution is as follows:

- \$62,500 for administration, including 2.0 FTE positions, an annual audit, and program operating costs.
- The actual amount for wireline transport costs for local telephone companies to reimburse for transporting the wireless E911 call from the selective router to the PSAP.
- The actual amount for automated location information costs for local carriers to provide Automatic Location Information (ALI) database services and selective routing.
- 46.0% of the total surcharge generated is distributed to the PSAPs based on the following formula: 65.0% based on the square mileage of the local 911 service area and 35.0% on the volume of wireless E911 calls received by the PSAPs.
- Any funds remaining are deposited in the Wireless Surcharge Carryover Fund to be used for network capacity increases, upgrades, and PSAP projects.

[Senate File 2332](#) (Enhanced 911 Emergency Communications Act), enacted by the 2012 General Assembly, eliminated wireless carrier cost recovery for Phase 1 expenses. Prior to this, 21.0% of the total amount of the surcharge generated per calendar quarter was allocated to wireless carriers to recover their costs to deliver E911 Phase 1 services (call-back number and tower location of the call). In the early 2000s, the Federal Communications Commission (FCC) stated there was no need for a government-mandated carrier cost recovery mechanism, noting that carriers are free to recover these costs in their charges to customers, either through their service rates or through specific surcharges on customer bills. However, the Commission emphasized that states are free to have a carrier cost recovery mechanism in place if they so choose.

Assumptions

- There are approximately 1,299,000 wireline subscribers in Iowa.
- There are approximately 2,256,000 wireless phone subscribers in Iowa.

Fiscal Impacts

- Increasing the surcharge from \$0.65 to \$1.00 per calendar quarter is estimated to result in increased revenue of \$1.6 million per quarter, or \$6.4 million a year.

- Restoring the wireless carrier cost recovery provision for Phase 1 services at the \$1.00 surcharge rate would allocate 13.0% of revenues, or an estimated \$780,000 per quarter. This restores a similar amount previously allocated under the \$0.65 surcharge rate.

WIRELINE

The fiscal impact at the local level for additional wireline revenue is estimated to be additional revenue of \$3,456,000 per year in total for the 14 counties that are currently charging less than \$1.00 for the wireline surcharge.

WIRELESS

The following chart reflects the estimated fiscal impact of increasing the wireless surcharge from \$0.65 to \$1.00.

Current Law - \$0.65 wireless surcharge per quarter		House File 510 - \$1.00 wireless surcharge per quarter	
REVENUE	Estimated	REVENUE	Estimated
Surcharge Revenue	\$ 4,400,000	Surcharge Revenue	\$ 6,000,000
Funds for HSEMD to administer program	(62,500)	Funds for HSEMD to administer program	(62,500)
Interest	7,000	Interest	7,000
Expenditures	(250)	Expenditures	(250)
	<u>\$ 4,344,250</u>		<u>\$ 5,944,250</u>
PAYMENTS		PAYMENTS	
Wireline Transport Costs	\$ 300,000	Wireline Transport Costs	\$ 300,000
Automatic Location Info. (ALI) Costs	1,500,000	ALI/Transport	1,500,000
PSAPS (46%)	2,024,000	PSAPS (46%)	2,760,000
Total Payments	<u>\$ 3,824,000</u>	Carriers (13%)	780,000
		Total Payments	<u>\$ 5,340,000</u>
OVERALL SUMMARY		OVERALL SUMMARY	
Surcharge	\$ 4,344,250	Surcharge	\$ 5,944,250
Payments	(3,824,000)	Payments	(5,340,000)
Carryover	<u>\$ 520,250</u>	Carryover	<u>\$ 604,250</u>

Sources

Homeland Security and Emergency Management Division, E911 Program Manager
Iowa Utilities Board

/s/ Holly M. Lyons

March 14, 2013

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HF 553 – Medicaid Program Collections and Integrity Policy (LSB1263HV)
Analyst: Jess Benson (Phone: (515) 281-4611) (jess.benson@legis.iowa.gov)
Fiscal Note Version – New

Description

House File 553 creates a Medicaid Program Integrity Chapter to address weaknesses in the Iowa Code that have prevented the State from taking action against providers in known cases of fraud, waste, and abuse. This Bill will bring Iowa law in line with federal requirements and practices in other states. Iowa is one of only several states that does not have a Medicaid Program Integrity Statute.

Assumptions

Based on past case history, the Department of Human Services (DHS) estimates that they could save in excess of \$1.0 million (all funds) annually. The Federal Medical Assistance Percentage (FMAP) match rate is 58.21% for FY 2014 and 57.78% for FY 2015.

Fiscal Impact

It is estimated that this Bill will save the General Fund \$418,000 in FY 2014 and \$422,000 in FY 2015.

Source

Department of Human Services

/s/ Holly M. Lyons

March 14, 2013

The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
